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FACEBOOK, INC.

8  
9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
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13 FACEBOOK, INC.,

14 Plaintiff,

15 v.

16 POWER VENTURES, INC. a Cayman Island  
corporation, STEVE VACHANI, an individual;  
17 DOE 1, s/b/a POWER.COM, DOES 2-25,  
inclusive,

18 Defendants.  
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Case No. 5:08-cv-05780-JW (JCS)

**NOTICE OF LIFTING OF  
AUTOMATIC STAY ON  
PROCEEDINGS BY BANKRUPTCY  
COURT, REQUEST FOR  
REASSIGNMENT OF CASE TO NEW  
JUDGE, AND MOTION TO RETURN  
TO ACTIVE STATUS FROM  
ADMINISTRATIVE CLOSURE**

Dept: Courtroom 9, 19th Floor  
Judge: Hon. Chief Judge James Ware

**TO THE COURT AND TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

On August 29, 2012, pursuant to 11 U.S.C. § 362(a)(1), the above-captioned matter was administratively closed and automatically stayed as a result of Defendants Power Ventures' and Steven Vachani's filing of voluntary Petitions for Chapter 11 and Chapter 13 bankruptcy, respectively, in the United States Bankruptcy Court for the Northern District of California (the "Bankruptcy Court"), captioned *In Re Power Ventures, Inc.* Case No. 12-32488, and *In Re Steven Suraj Vachani*, Case No. 12-47150, respectively. See Dkt. No. 325. All remaining motions then pending in the case were either denied without prejudice, or denied as moot, as a result of the case's administrative closure. *Id.*

PLEASE TAKE NOTICE that pursuant to 11 U.S.C. § 1112(b), on November 27, 2012, the Bankruptcy Court dismissed *In Re Power Ventures, Inc.*, Case No. 12-32488. A true and correct copy of the Bankruptcy Court's dismissal is attached hereto as Exhibit A.

PLEASE TAKE FURTHER NOTICE that on February 13, 2013, Defendant Steve Vachani ("Vachani") separately executed, and the Bankruptcy Court entered, an "Order Granting Facebook Relief from Automatic Stay," in *In Re Steven Suraj Vachani*, Case No. 12-47150. The February 13, 2013 Order reflects that Vachani consents to the relief from the Bankruptcy Stay, even if his case is re-instated following dismissal. A true and correct copy of Vachani's consent to relief from the automatic stay is attached hereto as Exhibit B.

PLEASE TAKE FURTHER NOTICE that on February 22, 2013, the Bankruptcy Court dismissed *In Re Steven Suraj Vachani*, Case No. 12-47150, following default of Chapter 13 Plan Payments. A true and correct copy of the Bankruptcy Court's dismissal is attached hereto as Exhibit C.

PLEASE TAKE FURTHER NOTICE that as of August 29, 2012, the following matters were pending before the Court:

(1) A determination that Mr. Vachani is personally, jointly and severally liable under the First, Second and Third Claims for Relief of Facebook's First Amended Complaint. *See* Dkt. No. 275, at 19. *See also* Dkt. No. 9.

(2) The amount of liability to be imposed upon Defendants Power Ventures and Steve Vachani as a result of the Court's entry of summary judgment on February 16, 2012 in favor of Facebook on its First, Second and Third Claims for Relief against Defendants, jointly and severally. *See* Dkt. No. 275, at 19.<sup>1</sup>

(3) The amount of costs and attorneys fees to be awarded Facebook as sanctions for Power Ventures' discovery abuse. *See* Dkt. Nos. 279, 282. The amount to be paid for such sanctions had not yet been finalized, due to the withdrawal of counsel representing Defendants.

(4) Defendant Power Ventures' motion for reconsideration of the entry of default and striking of Power Ventures' Answer entered by the Court (Dkt. No. 313) following the Court's issuance of multiple Orders to Show Cause. *See* Dkt. Nos. 306, 308, 311, 313, 321-322. The motion for reconsideration was denied without prejudice due to the Court's administrative closure of the action. *See* Dkt. No. 325, at 1, fn. 2.

(5) Plaintiff Facebook's Motion for Entry of Default Judgment against Power Ventures, requesting quantified damages in the amount of \$18,238,643.00. *See* Dkt. No. 322. The motion for entry of default judgment was denied as moot due to the Court's administrative closure of the action. *See* Dkt. No. 325, at 1, fn. 3.

PLEASE TAKE FURTHER NOTICE that Chief Judge James Ware, who was previously assigned to supervise this action and who entered the afore-mentioned Orders, retired from the Bench following his entry of the Order administratively closing and staying the action. Defendants filed for bankruptcy the day before Judge Ware retired. Magistrate Judge Spero was previously assigned to the case, and continues to be responsible for all discovery issues, including

<sup>1</sup> In awarding Facebook summary judgment of liability against Defendants, the Court permitted the parties to further brief the amount of damages to be awarded Facebook, along with the issue of Vachani's individual liability. *See* Dkt. No. 275, at 19. *See also* Dkt. Nos. 288, 292, 299-300, 317.



enforcing the Order awarding Facebook costs and attorneys fees as a result of Defendants' discovery abuse. *See* Dkt. Nos. 155, 279, 282.

1 NOW THEREFORE Plaintiff Facebook, Inc. respectfully submits that proceedings in this  
2 Court against Defendants should resume in light of both the dismissal of the Defendants'  
3 Bankruptcy proceedings, and the separate stipulation of Defendant Vachani that the action may  
4 be reopened. Given the retirement of Chief Judge Ware, Facebook requests that the proceedings  
5 be assigned to a new judge promptly.

6 Dated: March 20, 2013

ORRICK, HERRINGTON & SUTCLIFFE LLP

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